

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Kevin Mark Lewis and Sarah Elizabeth Lewis f/k/a Sarah Elizabeth Jenkins f/k/a Sarah Elizabeth Noullet Debtors.

JPMorgan Chase Bank, National Association Movant,
v.

Kevin Mark Lewis and Sarah Elizabeth Lewis f/k/a Sarah Elizabeth Jenkins f/k/a Sarah Elizabeth Noullet Debtors/Respondents.

Natalie Lutz Cardiello, Trustee Additional Respondent.

BANKRUPTCY CASE NUMBER
16-21810/GLT

CHAPTER 7

11 U.S.C. § 362

Hearing Date and Time: July 21, 2016, at 9:00 AM

Objections due by: July 3, 2016

Docket #: _____

Related to Doc # _____

**AMENDED MOTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362 (d)**

Movant hereby moves for relief from the automatic stay under section 362(d) and by its undersigned counsel avers the following in support of the said motion:

1. Debtors named above filed a Petition under Chapter 7 of the Bankruptcy Code in the Western District of Pennsylvania under the above case number on May 12, 2016.
2. Movant is the holder of a secured claim against Debtors, secured only by a first mortgage lien on property located at 335 Kline Avenue, North Versailles, PA 15137 (the "Property") in the original amount of \$72,500.00.
3. The filing of the aforesaid Petition operated as an automatic stay under Section 362(a) of the Bankruptcy Code of proceedings by Movant to foreclose on the Property. Movant requests relief from the automatic stay to continue with the filed mortgage foreclosure action, if any, and to take the necessary action to obtain the Property.
4. Pursuant to the terms of the Mortgage, and the Mortgage Note accompanying the same, Debtors were obligated to make monthly principal and interest mortgage payments in the amount of \$374.64.

5. Debtors have claimed an exemption in the subject Property.
6. Debtors have failed to make all the required monthly payments on the said Mortgage.
7. The defaults include the failure to make the following monthly payments:
 - a) Payments of \$604.47 from March 1, 2016 through May 1, 2016 which totals \$1,813.41;
 - b) The total amount due (5(a) through 5(a) combined) is \$1,813.41.
8. The Fair Market Value of the Property is \$57,200.00, as per County Assessment. The approximate amount necessary to pay off the loan is \$69,716.01 good through May 29, 2016. The breakdown of the payoff is as follows:

Principal Balance	\$67,523.98
Accrued Interest	\$990.08
Escrow Advances made by Plaintiff	\$1,153.59
Total Fees	\$48.36
 Daily Per Diem	 \$8.32

Therefore, there is little, if any, equity in the Property.

9. Debtors have indicated in their Chapter 7 Statement of Intention that they wish to surrender the Property.
10. Movant is entitled to relief from the Automatic Stay pursuant to 11 U.S.C. § 362(d)(1) for cause, including lack of adequate protection. Movant is entitled to relief pursuant to 11 U.S.C. § 362(d)(2), as Debtors have no equity in the Property, and the Property is not necessary for an effective reorganization.
11. Movant requests that the Court waive Rule 4001(a)(3), permitting Movant to immediately implement and enforce the Court's order.
12. Basis for asserting that the applicable party has the right to foreclose. JPMorgan Chase Bank, N.A., services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, National Association. Said entity, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to said entity or has been duly endorsed.

WHEREFORE, Movant prays for relief from the automatic stay under section 362 of the Bankruptcy Code, 11 U.S.C. § 362, permitting Movant to exercise and enforce any and all rights without limitation, including foreclosure of the Property. A proposed order to such effect is submitted herewith.

Respectfully submitted,

Dated: June 16, 2016

S&D File #:16-053262

BY:/s/ Kevin S. Frankel

Kevin S. Frankel, Esquire
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3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
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O R D E R

AND NOW, this _____ day of _____, 2016, at the Western District of Pennsylvania, upon the consideration of the Amended Motion of Movant for Relief from the Automatic Stay (the "Motion"), and the failure of Debtors to file an answer, appear or otherwise respond to the Motion, and for good cause shown, it is

ORDERED AND DECREED that the Automatic Stay of all proceedings, as provided under Section 362 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "Code"), 11 U.S.C. § 362, is lifted to allow Movant, or its successors, if any, to proceed with its rights under its loan documents for the property located at 335 Kline Avenue, North Versailles, PA 15137; and it is

FURTHER ORDERED that Rule 4001(a)(3) is not applicable and Movant, or its successors, if any, may immediately implement this order.

BY THE COURT:

HONORABLE GREGORY L. TADDONIO
UNITED STATES BANKRUPTCY JUDGE

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CERTIFICATE OF SERVICE

I, Patricia Marchbanks, an employee of the law firm of Shapiro & DeNardo, LLC hereby certify that I caused to be served true and correct copies of Amended Motion for Relief and Proposed Order by First Class Mail, postage prepaid or by electronic notification, at the respective last known address of each person set forth below on June 16, 2016:

Kevin Mark Lewis, 809 East Main Street, Apt. 412, Lexington, SC 29072

Sarah Elizabeth Lewis f/k/a Sarah Elizabeth Jenkins f/k/a Sarah Elizabeth Noullet, 809 East Main Street, Apt. 412, Lexington, SC 29072

Richard W. Schimizzi, Esquire, 35 West Pittsburgh Street, Greensburg, PA 15601
Sent via electronic notification schimizzilaw@yahoo.com

Natalie Lutz Cardiello, Trustee, 107 Huron Drive, Carnegie, PA 15106
Sent via electronic notification ncardiello@comcast.net

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

/s/ Patricia Marchbanks

Patricia Marchbanks
Shapiro & DeNardo, LLC
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610)278-6800

S&D File #:16-053262

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IN RE: Kevin Mark Lewis and Sarah Elizabeth Lewis f/k/a Sarah Elizabeth Jenkins f/k/a Sarah Elizabeth Noullet
Debtors

JPMorgan Chase Bank, National Association
Movant

VS.

Kevin Mark Lewis and Sarah Elizabeth Lewis f/k/a Sarah Elizabeth Jenkins f/k/a Sarah Elizabeth Noullet

Debtors/Respondents

Natalie Lutz Cardiello, Trustee
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AMENDED NOTICE OF HEARING WITH RESPONSE DEADLINE
ON AMENDED MOTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR
RELIEF FROM THE AUTOMATIC STAY

TO THE RESPONDENTS:

You are hereby notified that the above Movant seeks an order affecting your rights or property.

You are further notified to file with the Clerk and serve upon the undersigned attorney for Movant a response to the motion no later than **July 3, 2016** i.e. seventeen (17) days after the date of service below, in accordance with the Federal Rules of Bankruptcy Procedure, Local Rules and Procedures of this Court, and the procedures of the Presiding Judge as found on the Judge's web page at www.pawb.uscourts.gov. If you fail to timely respond, the Motion may be granted by the Court by default without a hearing.

You should take this to your lawyer at once.

A hearing will be held on **July 21, 2016**, at **9:00 AM** before Judge Gregory L. Taddonio in 5490 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled at a later date by the Court. An order granting the relief sought may be entered and the hearing may not be held if you do not timely file and serve a written response.

Date of service: June 16, 2016

/s/ Kevin S. Frankel

Kevin S. Frankel, Esquire
Shapiro & DeNardo, LLC
Attorney for Movant
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610)278-6800
PA Bar ID# 318323

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I, Patricia Marchbanks, an employee of the law firm of Shapiro & DeNardo, LLC hereby certify that I caused to be served true and correct copies of Amended Notice of Hearing Date and Response Deadline by First Class Mail, postage prepaid or by electronic notification, at the respective last known address of each person set forth below on June 16, 2016:

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